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VIA ECF

Honorable Ona T. Wang
United States Magistrate Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

Re: Emigrant Bank, et al. v. SunTrust Bank, et al., No. 1:20-cv-02391-PGG-OTW

Dear Judge Wang:

We represent Plaintiffs Emigrant Bank and Pacific Mercantile Bank (“Plaintiffs”) and write pursuant to Rule I(B) of Your Honor’s Individual Rules regarding Plaintiffs’ forthcoming supplemental letter brief in response to Your Honor’s September 20, 2023 Order (the “Supplemental Letter Brief”). Plaintiffs respectfully request the Court’s leave for the parties to file five-page Supplemental Letter Briefs, in excess of Your Honor’s ordinary three-page limitation. Plaintiffs have informed Defendants SunTrust Bank and Truist Bank and non-parties Virgo Investment Group, LLC and its affiliates (collectively, “Virgo”) of this request. Virgo has consented to this extension on the condition that it receive a mutual extension. Defendants have not yet responded.

Good cause exists for a two-page extension, which is reasonable and necessary for Plaintiffs to adequately address the multiple complex issues that this Court has identified. Specifically, the Court has asked for briefing on whether Plaintiffs’ document subpoenas to Baker Tilly and Nu Image “seek discovery that is duplicative, not relevant, untimely, and/or protected from disclosure.” ECF 107. In addition, during the September 20 hearing, the Court asked Plaintiffs to consider whether to narrow the subpoena requests. In sum, the Court has requested briefing on five broad legal and factual issues for two separate subpoenas. Plaintiffs submit that these issues cannot be adequately addressed in three pages.

For these reasons, Plaintiffs respectfully request leave for the parties to file five-page Supplemental Letter Briefs on September 29, 2023 instead of three-page letter briefs.

Respectfully submitted,

/s/ Corey Worchester
Corey Worchester

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